

EXHIBIT 122

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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

No. 2:18cv530

CSX TRANSPORTATION, INC.,
individually and on behalf
of NORFOLK & PORTSMOUTH BELT
LINE RAILROAD COMPANY,

Plaintiff,

v.

NORFOLK SOUTHERN RAILWAY COMPANY,
et al.,

Defendants.

Remote Proceedings

January 13, 2021

9:38 a.m. - 6:40 p.m.

VIDEO DEPOSITION OF ROBERT GIRARDOT
(via Teleconference)

Taken before SUZANNE VITALE, R.P.R., F.P.R.
and Notary Public for the State of Florida at Large,
pursuant to Notice of Taking Deposition filed in the
above cause.

Job No. CS4395739

1 everybody has to have the same rate.

2 BY MR. WINGFIELD:

3 Q. And so would CSX agree that the first
4 sentence of paragraph ninth of the operating
5 agreement would prohibit NPBL to giving one of its
6 member railroads a special deal?

7 MR. HATCH: Same objections, calls for a
8 legal conclusion, hypothetical, vague.

9 THE WITNESS: I wouldn't agree with that.
10 They would be prohibited from providing a
11 special deal that wasn't available to all of
12 the other owners.

13 THE COURT REPORTER: I'm sorry. What was
14 the last sentence?

15 THE WITNESS: I'm saying, what this says
16 to me, being someone in the railroad business,
17 that says that the NPBL would be prohibited to
18 offer a special deal to one railroad that was
19 not available to any of the other owning
20 railroads, so ...

21 BY MR. WINGFIELD:

22 Q. Is it your position that -- strike that.

23 Is it CSXT's position that the other
24 railroads could charge themselves one rate and other
25 customers of NPBL could be charged a higher rate?